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March 12, 2025

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMORANDUM ENDORSED

Re: *HK Kolmar USA, LLC v. Wormser Corporation*, 24 Civ. 9144 (GWG)

Dear Judge Gorenstein:

We represent Defendant Wormser Corporation (“Wormser”) in the above-referenced matter. We write to respectfully request, pursuant to Section 2.3 of Your Honor’s Individual Practices, that this Court enter an Order permitting Wormser to provisionally file a single document under seal, which Defendant HK Kolmar USA, LLC (“Kolmar”) had marked as “Confidential” in a prior New York State litigation. Under Your Honor’s Individual Practices, Kolmar should file a motion within seven days that justifies the continued sealing of the document since “the request to seal arises because of an opposing party’s designations.”

We have conferred with counsel for Kolmar, who has stated that they request that this document be provisionally filed under seal, and that they decline to waive the prior confidentiality designation at this time.

Wormser concurrently is filing a separate letter today requesting that the Court schedule a conference to discuss Wormser’s anticipated motion to dismiss Kolmar’s complaint for failure to state a claim for relief (“Pre-Motion Letter”). In that Pre-Motion Letter, Wormser discusses a July 14, 2022, email communication between Jason Lee, Kolmar’s Chief Financial Officer, and Shawwna Giumento, Kolmar’s Controller. The unredacted July 14, 2022, email communication is being filed under seal as Exhibit A to this Letter Motion. Wormser respectfully requests an order permitting this provisional sealing, and that the Court consider that July 14, 2022 email communication as Exhibit A to the Pre-Motion Letter.

As elaborated upon in the Pre-Motion Letter, Kolmar’s claims mainly arise out of contract manufacturing services that Kolmar provided to Wormser for a cosmetics product sold to L’Oreal USA, Inc. (“L’Oreal”). In litigation filed by L’Oreal against Kolmar and Wormser in New York State court, Kolmar designated Exhibit A as “confidential.” In the L’Oreal litigation, the parties had submitted a Stipulation and Proposed Protective Order, which appeared on the New York State Court’s docket as “pending,” before the case was resolved.

KAGEN, CASPERSEN & BOGART PLLC

Honorable Gabriel W. Gorenstein

March 12, 2025

Page 2


Accordingly, with Kolmar's consent, Wormser respectfully requests that the Court permit Exhibit A to be provisionally filed under seal due to the confidentiality designations made by Kolmar in the L'Oreal Action, and that Kolmar be afforded seven days to file a motion addressing whether Exhibit A should remain under seal.

Respectfully submitted,

/s/ Russell Bogart
Russell Bogart

No application having been made by the required deadline to justify the sealing of this document (see Docket # 24), the motion to seal is denied. The Clerk is directed to unseal Docket # 21 and make it viewable to the public.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge
March 28, 2025